

# EXHIBIT D

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MONADNOCK CONSTRUCTION, INC.,

Case No.: 16 CIV. 00420  
(JBW)(VMS)  
ECF Case

Plaintiff,

-against-

WESTCHESTER FIRE INSURANCE  
COMPANY,

Defendant.

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WESTCHESTER FIRE INSURANCE  
COMPANY,

Third-Party Plaintiff,

-against-

GLASSWALL, LLC, UGO COLOMBO, and  
SARA JAYNE KENNEDY COLOMBO,

Third-Party Defendants.

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**OBJECTIONS OF UGO COLOMBO TO  
SUBPOENA TO PRODUCE DOCUMENTS, ETC.**

Pursuant to Fed. R. Civ. P. 45, third-party defendant Ugo Colombo (“Colombo”),  
by his undersigned counsel, objects to the Subpoena to Produce Documents, Information,

or Objects or to Permit Inspection of Premises in a Civil Action (the “Subpoena”), and in support, states as follows:

### **GENERAL OBJECTIONS**

1. The Subpoena<sup>1</sup>, which seeks production of 25 categories of documents, is in violation of this Court’s Order of January 31, 2018 staying discovery in this matter. A copy of the Order is attached hereto as Exhibit “A”.

2. The Subpoena was not properly served on Colombo. Rather, the Subpoena was simply left at Colombo’s residence.

3. The Subpoena improperly seeks documents which are clearly confidential, privileged documents of Colombo.

4. The document production requests set forth in the Subpoena are overbroad and burdensome in that, on their face, they seek documents of third parties.

### **OBJECTIONS TO SPECIFIC REQUESTS**

1. In addition to the General Objections which are incorporated herein, Requests 1-4, 8, 18, and 22 improperly seek the confidential financial information of Colombo. There is no judgment or judgment execution proceeding pending against Colombo, or any other grounds upon which Plaintiff would be entitled to the information being sought in these Requests.

2. In addition to the General Objections which are incorporated herein, Requests 5

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<sup>1</sup> The Subpoena makes reference to “Civil Action No. SDNY 16-CIV-420 (JBW)(VMS).” The reference to “SDNY” is incorrect as the matter is pending in the Eastern District of New York, not the Southern District.

6, 9, 11-14, and 16-20 are overbroad, unduly burdensome and seek information that is in the possession of Glasswall or Tecnoglass, both of which are separate and independent entities.

3. Nothing set forth herein shall be deemed an acknowledgement or admission that Colombo is in possession of any documents responsive to any of the Requests set forth in the Subpoena.

DATED: MIAMI, FLORIDA  
March 27, 2018

Respectfully submitted,

MARKO & MAGOLNICK, P.A.

By: /s/Joel S. Magolnick  
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Record of Conference and Orders: Vera M. Scanlon, USMJ

Date: 1/31/2018

Case: Monadnock Construction, Inc. v. Westchester Fire Insurance

Telephone Conf. @ 2:30 PM

Civ. A. 16-cv-00420-JBW-VMS

ECF Recording in 13A South:

☒ Telephone Conference

☐ In-person Conference

Counsel: (See separately docket entry or document for specific appearances)

☒ Counsel for Plaintiff(s) ☐ Pro Se Plaintiff(s) ☒ Counsel for Defendant(s) ☐ Pro Se Defendant(s)

Conference Type:

☐ Initial Conference ☐ Status Conference ☐ Settlement Conference ☒ Motion Hearing ☒ Discovery Conference ☐  
☐ JPTO Conference ☐ Other \_\_\_\_\_

Further to the conference, discovery and other scheduling dates are as follows:

(If dates previously set by the Court are not reset, they remain as stated in the previous order.)

☐ Motions decided on the record

☐ Rule 26(a) disclosures, incl. supplements

☐ Document requests to be served

☐ Interrogatories to be served

☐ Amended pleadings, incl. joinder

☐ Complaint ☐ Answer

☐ Joint status letter ☐ Stip of dismissal to be filed

☐ Status conference

☐ In person ☐ Telephone (718) 613-2300

☐ Specific depositions to be held

☐ Fact discovery closes

☐ Expert disclosures to be served

☐ Initial expert report(s) to be served

☐ Rebuttal expert report(s) to be served

☐ Expert discovery closes

☐ All discovery closes

☐ Joint letter confirming discovery is concluded

☐ Summary judgment to be initiated

☐ Joint pre-trial order to be filed

☐ Proposed confidentiality order to be filed

☐ Consent to Magistrate Judge to be filed

☐ Settlement Conference

[39] gated on  
went! Discovery stayed.

☐ To be served

☐ To be filed

☐ On consent ☐ By motion ☐ By PMC letter

Date:

Time:

To be organized by:

☐ PMC letter ☐ Briefing

☐ Letter for conference ☐ Proposed JPTO

Date:

Time:

EXHIBIT "A"

1/2

Vera M. Scanlon, USMJ  
Conference Orders, Continued

Case: \_\_\_\_\_

MonadnockCiv. A. 16 - 420.

Date: \_\_\_\_\_

1/31 /2018Additional Orders:

As discovery was recharged in the arbitration, counsel want to move for S<sub>1</sub> and X-S<sub>1</sub> at this stage. If the motion is denied, counsel may seek limited discovery.

On the motion at [79] TI consents to the stay, as does W F I C and the 3rd party. Discovery stay granted.

The newly served third-party defendants intend to file dispositive motions which may affect the motion for collateral at [55].

The briefing schedules discussed during the conference are approved. By 2/9/18, counsel should file their respective briefing schedules by letter.